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SENATE BILL 1746 By
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HOUSE BILL 1910
By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 37; Title 38
and Title 39, relative to sexual offenses committed against
children.

WHEREAS, the persistent problem of teen pregnancy has plagued the people of
Tennessee with grave social, economic and personal consequences; and

WHEREAS, the general assembly takes notice of the fact that the great majority of
unmarried teen pregnancies are the result of statutory rape, wherein the perpetrator is an adult
male who takes advantage of the youth and emotional vulnerability of his victim; now, therefore,
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-1-301, is amended by deleting the
section in its entirety and substituting instead the following:

38-1-301. It being necessary for the health, peace and safety of the public to
protect minors from rape who are not legally competent to consent to sex, it is the
purpose of this part to curtail the crime of statutory rape by requiring a treating health
care provider to report a condition believed to indicate that the crime of statutory rape
has occurred.

SECTION 2. Tennessee Code Annotated, Section 37-1-602(a)(2), is amended by
adding the following language as a new item (E):

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For the purposes of reporting statutory rape in accordance with the provisions of this act, "child sexual abuse" also means the commission of an act specified in subdivision (a)(2)(B)(x) against a minor under the age of eighteen (18).

SECTION 3. Tennessee Code Annotated, Section 37-1-602(a)(2)(B), is amended by adding the following language:

(x) Statutory rape under 39-13-506.

SECTION 4. Tennessee Code Annotated, Section 39-13-506, is amended by deleting the language "four (4)" and by substituting instead the language "two (2)".

SECTION 5. Tennessee Code Annotated, Section 38-1-305, is amended by deleting the language "four (4)" and substituting instead the language "two (2)".

SECTION 6. Tennessee Code Annotated, Section 37-1-403(g), is amended by deleting the subsection in its entirety and substituting instead the following:

(g) Every physician or other person who makes a diagnosis of, or treats, or prescribes for a minor with any sexually transmitted disease required to be reported pursuant to Tennessee Code Annotated, Title 68, Chapter 10, Part 1, and every superintendent or manager of a clinic, dispensary, or charitable or penal institution, in which there is a case of any such sexually transmitted disease in a minor, shall report the case immediately, in writing on a form supplied by the department of health to that department. The department of health shall report such information to the department of children's services to investigate for possible sexual abuse, including statutory rape. The department of children's services shall be responsible for any necessary follow-up.

SECTION 7. Tennessee Code Annotated, Section 38-1-302, is amended by deleting the section in its entirety and substituting instead the following:

38-1-302. If, during any treatment or examination of any child, a determination is made that such child is pregnant, and if it is learned during the course of the examination or treatment that the child and alleged father fall within the age requirement

for statutory rape and that the alleged father is not the legal spouse of the child, in accordance with the provisions of Sections 39-13-506 and 39-13-507, the doctor, physician, surgeon, health care provider, or other person examining or treating the child or diagnosing the condition shall report the case immediately, in writing on the form supplied by the department of health pursuant to the provisions of § 37-1-403(g) to the department of children's services. The department of children's services shall be responsible for any necessary follow-up.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.